

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

08-cr-1343 (JGK)

JASON CUMMINGS,

ORDER

Defendant.

JOHN G. KOELTL, District Judge:

The defendant, Jason Cummings, has moved for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). The defendant is currently serving a 30-month sentence imposed by this Court, six months of which are to run consecutively to a longer sentence that the defendant is serving that was imposed in the Eastern District of Virginia. The defendant is serving his sentence at FCI Oakdale, and the Government reports that the defendant currently has COVID-19. The defendant is scheduled to be released on September 6, 2021. The Government argues that the defendant has failed to exhaust his administrative remedies in the Bureau of Prisons, that the defendant could not be released in any event because of the sentence that was imposed in the Eastern District of Virginia, and that there is no compelling reason to release the defendant because he is being treated for his illness.

It is plain that the defendant would benefit from the prompt assistance of counsel. Subject to the defendant's agreement, the Court appoints the Federal Defenders to represent

the defendant in connection with the application in this Court under 18 U.S.C. § 3582(c)(1)(A). It would be prudent to exhaust the administrative process in the Bureau of Prisons promptly. It is apparent that relief from this Court would in fact be of assistance to the defendant who could then apply for compassionate release in the Eastern District of Virginia. Counsel would be useful in developing the actual medical condition of the defendant so that the Court could make a determination as to whether there are in fact extraordinary and compelling reasons to grant compassionate release to the defendant. Providing that the defendant agrees to the continuing representation by the Federal Defenders, the Government should cooperate in making the defendant's medical records available to the Federal Defenders promptly. Chambers will mail a copy of this order to the defendant.

SO ORDERED.

**Dated: New York, New York
June 16, 2020**

/s/ John G. Koeltl
John G. Koeltl
United States District Judge